IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 572 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAYA N BHAVNANI

Versus

VIR VIJAY CONSTRUCTION COMPANY

Appearance:

1. Civil Revision Application No. 572 of 1998

MR SURESH M SHAH for Petitioner No. 1-2

MR MEHUL S SHAH for Petitioner No. 1-2

MR AMAR N BHATT for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 22/03/2004

ORAL JUDGEMENT

The petitioners herein are the original plaintiffs of Summary Suit No.4100/1994, which is pending before the City Civil Court, Ahmedabad. The said suit is

filed for recovering certain amount. In the aforesaid suit, the learned trial Judge granted unconditional leave to the defendants to defend the said suit. The said order is under challenge at the instance of the original plaintiffs in this revision application.

2) By the impugned order, the learned trial Judge has granted leave to defend to the present respondent. On behalf of the respondent, Mr.S.P.Divetia, learned advocate vehemently pointed out that by the impugned order unconditional leave to defend is granted and such order is not required to be interfered with by this Court in view of the amendment in Section 115 of C.P.C.

3) In my view, since the learned trial Judge has passed an order granting leave to defend the suit to the defendants, such order is not required to be interfered with by this Court and even otherwise this revision is not maintainable in view of the amendment in Section 115 of C.P.C. hence, this Civil Revision Application is required to be rejected.

4) At this stage, Mr.Shah requested that since the suit is of 1994, appropriate direction may be given to the trial Court to dispose of the same expeditiously. Considering the fact that the suit is of 1994, the trial Court is directed to dispose of Summary Suit No.4100/1994 at the earliest and in any case by 31st December, 2004. Both the learned advocates have assured the Court that their clients will cooperate for early disposal of the suit.

5) Subject to what is stated above, this Civil Revision Application is rejected. Rule is discharged. No order as to costs.

6) Writ to be sent to the trial Court forthwith for disposal of the suit within the stipulated time.

(P.B.Majmudar,J.)

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